

AMENDED IN ASSEMBLY JANUARY 3, 2000

AMENDED IN ASSEMBLY APRIL 28, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

## ASSEMBLY BILL

**No. 513**

**Introduced by Assembly Members Mazzoni, Runner, and  
Strom-Martin**

**(Principal coauthor: Assembly Member Alquist)**

**(Coauthors: Assembly Members Cunneen, Calderon, and  
Campbell)**

February 18, 1999

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An act to amend Sections 48000, 48010, and 48200 of, and to add Sections 14022.7, 42238.20, 48003, 48010.1, and 48010.2 to, the Education Code, relating to pupils.

### LEGISLATIVE COUNSEL'S DIGEST

AB 513, as amended, Mazzoni. Pupils: age of admission.

(1) Existing law requires that a child be admitted to a kindergarten at the beginning of a school year, or at any time later in the same year, if the child will have his or her 5th birthday on or before December 2 of that school year. Existing law requires that a child be admitted to the 1st grade of an elementary school during the first month of a school year if the child will have his or her 6th birthday on or before December 2 of that school year.

This bill would instead require that a child be admitted to a kindergarten at the beginning of a school year, or at any time later in the same year, if the child will have his or her 5th

birthday on or before November 1 of the school year for the ~~2000-01~~ 2001-02 school year, on or before October 1 for the ~~2001-02~~ 2002-03 school year, and on or before September 1 for the ~~2002-03~~ 2003-04 school year, and each school year thereafter. This bill would also require that a child be admitted to the 1st grade of an elementary school during the first month of a school year if the child will have his or her 6th birthday on or before those dates. To the extent those changes establish new administrative duties on the governing boards of school districts in implementing the changes, they would impose a state-mandated local program.

~~This bill, for the 2000-01, 2001-02, and 2002-03 school years only, would permit a child who is not 5 or 6 years of age on or before September 1 to be admitted to kindergarten and 1st grade respectively, at the request of his or her parents or guardians.~~ The bill would also authorize the governing board of any school district, for the ~~2003-04~~ 2004-05 school year, and each school year thereafter, to establish a district tribunal, with teachers, counselors, and administrators appointed as determined by the governing board, for the purposes of determining on a case-by-case basis whether *extraordinary* circumstances exist to support the admission of a child to kindergarten in a year in which the child is not 5 years of age on September 1 or to delay the enrollment of a child who is 5 years of age on September 1 and will be 6 years of age during the school year, and to determine whether *extraordinary* circumstances exist to support the admission of a child to 1st grade in a year in which the child is not 6 years of age on September 1. Upon a determination that *extraordinary* circumstances exist, the child may be admitted to kindergarten or 1st grade.

This bill would impose a state-mandated local program by providing that commencing in the ~~1999-2000~~ 2000-01 fiscal year, a school district that offers kindergarten through 3rd grade is required to provide outreach to the parents or guardians of children from 3 to 5 years of age to notify them of the methods available to assist in determining the readiness of their child to enter school and the available child care ~~and~~, preschool programs, *and/or prekindergarten readiness programs*, and by requiring these school districts to provide

assistance regarding preparing children for school to parents or guardians who request assistance, based on generally accepted child development theory.

(2) Existing law sets forth a method for computing the state aid portion of the amount of revenue limit per unit of average daily attendance moneys to be allocated to school districts each fiscal year. Existing law also sets forth a method for computing the average daily attendance of pupils for this purpose. Section 8 of Article XVI of the California Constitution (Proposition 98) sets forth a formula for computing the minimum amount of General Fund revenues that the state is required to appropriate for the support of school districts, as defined, and community college districts for each fiscal year. That formula is adjusted in certain fiscal years for changes in pupil enrollment.

This bill would make various legislative findings and declarations with respect to the impact that the change in the enrollment date for kindergarten would have on the amount of state aid that a school district would receive for revenue limit purposes and the amount that the state is required to appropriate for the purposes of meeting the state's minimum funding obligation to school districts, as defined, and community college districts, under Proposition 98.

This bill, in order to compensate school districts for the loss in average daily attendance resulting from changing the age at which children are required to be admitted to kindergarten, would increase the number of units of average daily attendance (ADA) computed for a school district for the purpose of computing the revenue limit of the school district for each of the ~~2000-01 to 2014-15~~ *2001-02 to 2015-16* fiscal years, inclusive, according to a specified formula.

This bill would require that, in calculating "changes in enrollment" between each of the ~~1999-2000 to 2014-15~~ *2000-01 to 2015-16* fiscal years, inclusive, and the fiscal year immediately preceding each of those fiscal years for purposes of paragraph (2) or (3) of subdivision (b) of Section 8 of Article XVI of the California Constitution, the computation of ADA for each of the ~~2000-01 to 2014-15~~ *2001-02 to 2015-16* fiscal years, inclusive, shall include the total statewide number



of units of ADA computed for those fiscal years to compensate school districts for the loss in ADA resulting from this bill.

(3) Under existing law, a person between the ages of 6 and 18 years who is not exempted is subject to compulsory full-time education.

This bill would instead require that a person between the ages of 5 and 18 years who is not exempted is subject to compulsory full-time education. By increasing the responsibilities of school districts, this requirement would impose a state-mandated local program.

(4) This bill would also require the Superintendent of Public Instruction to contract for an independent evaluation of the effects of the change in state policy on the entry age for kindergarten.

~~(5) The bill would also require the governing board of each school district to certify to the Superintendent of Public Instruction by March 30, 2000, with assistance from local child care planning councils, that there are sufficient child care and preschool facilities to serve the children that would have been enrolled in kindergarten who will be offered child care and preschool under the provisions of the bill. By requiring school districts to make this certification, the bill would impose a state-mandated local program. The bill would, by June 1, 2000, require the Superintendent of Public Instruction to determine whether sufficient public or private preschools with an educational component exist to serve those children who would have enrolled in kindergarten.~~

~~The bill would provide that, if the Superintendent of Public Instruction determines that 50% or more of children affected by the changes to kindergarten enrollment age made by the bill would not have access to preschool with an educational component, the changes in enrollment age in kindergarten made by the bill would not be implemented until the 2001-02 school year. The bill would also require, if a school district certifies to the superintendent that insufficient preschool capacity exists in that district, the school district to use 50% of certain funds to increase preschool capacity in the school district and the county with jurisdiction over the school district to dedicate 30% of any revenue it receives pursuant to Proposition 10 of 1998 to increase capacity for preschools,~~

~~with certain exceptions. These requirements would impose a state-mandated local program.~~

~~(6) —~~

(5) *The bill would require each school district to consult with local child care planning councils to ascertain whether sufficient preschool and child care capacity exists in the county to serve all eligible children, and require the district to take prescribed actions if insufficient preschool capacity exists. This bill would require that, beginning in the 2001–02 school year, all children 4 years of age or older, who have been enrolled in preschool programs, shall be admitted to a prekindergarten readiness program at the parents’ request.*

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. (a) The Legislature hereby finds and  
2 declares the following:

3 (1) By changing the age at which children generally  
4 enter kindergarten, California’s children will be better  
5 prepared to enter into the academic environment that is  
6 required by the ~~kindergarten curriculum~~ California  
7 *content standards for kindergarten.*

8 (2) *Comparisons between California pupils and pupils*  
9 *in other states on national achievement tests in the later*  
10 *grades are likely to be more equitable if the entry age of*

1 *California pupils were more closely aligned to that of*  
2 *most other states.*

3 *(3) Children who have attended an educationally*  
4 *based prekindergarten school readiness program,*  
5 *including, but not limited to, a quality state preschool,*  
6 *Head Start, or prekindergarten program, are better*  
7 *prepared academically and socially for the existing*  
8 *kindergarten curriculum necessary, as reflected by the*  
9 *state adopted standards.*

10 ~~(2)~~

11 (4) The change described in paragraph (1) will result  
12 in a decrease in the number of pupils enrolled in  
13 kindergarten classes over a three-year period and that  
14 decreased enrollment will affect the class size in each  
15 subsequent grade level through and including the  
16 ~~2014-15~~ 2015-16 school year. It is estimated that there will  
17 be a 25 percent decrease in the enrollment of  
18 kindergarten classes over this three-year period that will  
19 affect the subsequent grade levels over the 15-year  
20 period.

21 ~~(3)~~

22 (5) The decrease in enrollment described in  
23 paragraph (2) will necessarily decrease the number of  
24 units of average daily attendance that a school district  
25 may claim for the purpose of computing the amount of  
26 state revenue limit aid that a school district may receive,  
27 thereby reducing the amount of state aid that school  
28 districts receive for revenue limit purposes. Due to the  
29 definition of “changes in enrollment” in Section 14022.7  
30 of the Education Code, that decrease will also affect the  
31 computation of the state’s minimum funding obligation  
32 to school districts and community college districts under  
33 paragraphs (2) and (3) of Section 8 of Article XVI of the  
34 California Constitution, which requires adjustments to be  
35 made to that computation for changes in enrollment.

36 (b) It is further the intent of the Legislature that  
37 school districts expend the amounts allocated pursuant to  
38 Section 42238.20 of the Education Code for the purposes  
39 of *parental outreach, preschool/prekindergarten, class*  
40 *size reduction, school facilities, deferred maintenance,*

1 and ~~preschool programs for at-risk children~~ *afterschool*  
2 *enrichment and remedial programs.*

3 SEC. 2. Section 14022.7 is added to the Education  
4 Code, to read:

5 14022.7. (a) Notwithstanding any other provision of  
6 law, in calculating “changes in enrollment” between each  
7 of the ~~1999–2000 to 2014–15~~ *2000–01 to 2015–16* fiscal years,  
8 inclusive, and the fiscal year immediately preceding each  
9 of those fiscal years under this article for purposes of  
10 paragraph (2) or (3) of subdivision (b) of Section 8 of  
11 Article XVI of the California Constitution, the  
12 computation of average daily attendance for each of the  
13 ~~2000–01 to 2014–15~~ *2001–02 to 2015–16* fiscal years,  
14 inclusive, shall include the total statewide number of  
15 units of average daily attendance computed for those  
16 fiscal years pursuant to Section 42238.20.

17 (b) Notwithstanding any other provision of law, in  
18 calculating “changes in enrollment” between the ~~2014–15~~  
19 *2015–16* fiscal year and the ~~2015–16~~ *2016–17* fiscal year  
20 under this article for purposes of paragraph (2) or (3) of  
21 subdivision (b) of Section 8 of Article XVI of the  
22 California Constitution, the computation of average daily  
23 attendance for the ~~2014–15~~ *2015–16* fiscal year shall  
24 include the total statewide number of units of average  
25 daily attendance computed for that fiscal year pursuant  
26 to Section 42238.20.

27 SEC. 3. Section 42238.20 is added to the Education  
28 Code, to read:

29 42238.20. (a) In order to compensate school districts  
30 for the loss in average daily attendance resulting from  
31 changing the age at which children are required to be  
32 admitted to kindergarten pursuant to Section 48000, the  
33 number of units of average daily attendance computed  
34 for a school district pursuant to Section 42238.5 for the  
35 purpose of computing the revenue limit of the school  
36 district pursuant to Section 42238 shall be increased for  
37 each of the ~~2000–01 to 2014–15~~ *2001–02 to 2015–16* fiscal  
38 years, inclusive, as follows:

39 (1) For each of the ~~2000–01 to 2014–15~~ *2001–02 to*  
40 *2015–16* fiscal years, inclusive, determine the total



1 number of units of average daily attendance generated  
2 for the current fiscal year by pupils enrolled in the classes  
3 of pupils who entered kindergarten in the ~~2000-01,~~  
4 ~~2001-02, and 2002-03~~ *2001-02, 2002-03, and 2003-04* school  
5 years.

6 (2) Multiply the number determined in paragraph (1)  
7 by 1.0909.

8 (b) The number of units of average daily attendance  
9 computed pursuant to Section 42238.5 shall be increased  
10 pursuant to subdivision (a) for those classes of pupils who  
11 entered kindergarten in each of the ~~2000-01, 2001-02, and~~  
12 ~~2002-03~~ *2001-02, 2002-03, and 2003-04* school years, as  
13 those classes move from kindergarten to grade 12, as  
14 follows:

15 (1) School districts having a kindergarten and grades  
16 1 to 12, inclusive, shall increase the number of units of  
17 average daily attendance generated by the classes of  
18 pupils who entered into kindergarten in each of the  
19 ~~2000-01, 2001-02, and 2002-03~~ *2001-02, 2002-03, and*  
20 *2003-04* school years, for each of the ~~2000-01 to 2014-15~~  
21 *2001-02 to 2015-16* fiscal years, inclusive.

22 (2) Elementary school districts having a kindergarten  
23 and grades 1 to 8, inclusive, shall increase the number of  
24 units of average daily attendance generated by the classes  
25 of pupils who entered into kindergarten in each of the  
26 ~~2000-01, 2001-02, and 2002-03~~ *2001-02, 2002-03, and*  
27 *2003-04* school years, for each of the ~~2000-01 to 2010-11~~  
28 *2001-02 to 2011-12* fiscal years, inclusive.

29 (3) High school districts having grades 9 to 12,  
30 inclusive, shall increase the number of units of average  
31 daily attendance generated by the classes of pupils who  
32 entered into kindergarten in each of the ~~2000-01, 2001-02,~~  
33 ~~and 2002-03~~ *2001-02, 2002-03, and 2003-04* school years,  
34 for each of the ~~2009-10 to 2014-15~~ *2010-11 to 2015-16* fiscal  
35 years, inclusive.

36 (4) Elementary school districts having a kindergarten  
37 and grades 1 to 6, inclusive, shall increase the number of  
38 units of average daily attendance generated by the classes  
39 of pupils who entered into kindergarten in each of the  
40 ~~2000-01, 2001-02, and 2002-03~~ *2001-02, 2002-03, and*



1 2003-04 school years, for each of the ~~2000-01 to 2008-09~~  
2 ~~2001-02 to 2009-10~~ fiscal years, inclusive.

3 (5) High school districts having grades 7 to 12,  
4 inclusive, shall increase the number of units of average  
5 daily attendance generated by the classes of pupils who  
6 entered into kindergarten in each of the ~~2000-01, 2001-02,~~  
7 ~~and 2002-03~~ 2001-02, 2002-03, and 2003-04 school years,  
8 for each of the ~~2007-08 to 2014-15~~ 2008-09 to 2015-16 fiscal  
9 years, inclusive.

10 SEC. 4. Section 48000 of the Education Code is  
11 amended to read:

12 48000. (a) For the ~~1999-2000~~ 2000-01 school year, a  
13 child shall be admitted to a kindergarten at the beginning  
14 of a school year, or at any later time in the same year, if  
15 the child will have his or her fifth birthday on or before  
16 December 2 of that school year.

17 A child who will have his or her fifth birthday on or  
18 before December 2 may be admitted to the  
19 prekindergarten summer program maintained by the  
20 school district for pupils who will be enrolling in  
21 kindergarten in September.

22 (b) For the ~~2000-01~~ 2001-02 school year, a child shall  
23 be admitted to a kindergarten at the beginning of a school  
24 year, or at any later time in the same year, if the child will  
25 have his or her fifth birthday on or before November 1 of  
26 that school year.

27 (c) For the ~~2001-02~~ 2002-03 school year, a child shall be  
28 admitted to kindergarten at the beginning of a school  
29 year, or at any later time in the same year, if the child will  
30 have his or her fifth birthday on or before October 1 of  
31 that school year.

32 (d) For the ~~2002-03~~ 2003-04 school year, and each  
33 school year thereafter, a child shall be admitted to  
34 kindergarten at the beginning of a school year, or at any  
35 later time in the same year, if the child will have his or her  
36 fifth birthday on or before September 1 of that school  
37 year.

38 (e) The governing board of any school district  
39 maintaining one or more kindergartens may, on a  
40 case-by-case basis, admit to a kindergarten a child having

1 attained the age of five years at any time during the school  
2 year with the approval of the parent or guardian, subject  
3 to the following conditions:

4 (1) The governing board determines that the  
5 admittance is in the best interests of the child.

6 (2) The parent or guardian is given information  
7 regarding the advantages and disadvantages and any  
8 other explanatory information about the effect of this  
9 early admittance.

10 ~~(f) Notwithstanding subdivisions (a), (b), and (c), for~~  
11 ~~the 2000-01, 2001-02, and 2002-03 school years only, a~~  
12 ~~child who is five years of age on or before December 2 of~~  
13 ~~the relevant school year may be admitted at the request~~  
14 ~~of his or her parent or guardian to a kindergarten at the~~  
15 ~~beginning of a school year, or at any later time in the same~~  
16 ~~year. During these years, school districts shall be required~~  
17 ~~to inform parents of their rights to enroll their child in~~  
18 ~~kindergarten if that child is five years of age on or before~~  
19 ~~December 2 of the relevant school year.~~

20 ~~(g)–~~

21 (f) As an alternative to subdivision (e), for the ~~2003-04~~  
22 ~~2004-05~~ school years, and each school year thereafter, the  
23 governing board of any school district may establish a  
24 district tribunal, with teachers, counselors, and  
25 administrators appointed as determined by the  
26 governing board, for the purposes of determining on a  
27 case-by-case basis whether *extraordinary* circumstances  
28 exist to support the admission of a child to kindergarten  
29 in a year in which the child is not five years of age on  
30 September 1, but who will be five years of age any time  
31 during the school year or whether circumstances exist to  
32 allow a child who is five years of age on September 1, or  
33 who will be six years of age any time during the school  
34 year, to delay enrollment until the following school year.  
35 Upon determination that *extraordinary* circumstances  
36 exist, the child may be admitted to kindergarten. The  
37 governing board of the school district shall delineate what  
38 *extraordinary* circumstances support an early or late  
39 admission pursuant to this subdivision, including, but not  
40 limited to, *advanced* maturity of the child, the

1 development of the child, and the achievement level of  
2 the child. The tribunal may be the same tribunal  
3 established pursuant to subdivision ~~(g)~~ (f) of Section  
4 48010.

5 SEC. 5. Section 48003 is added to the Education Code,  
6 to read:

7 48003. Commencing in the ~~2000-01~~ 2001-02 fiscal  
8 year, a school district that offers kindergarten through  
9 third grade shall provide outreach to the parents or  
10 guardians of children from three to five years of age to  
11 notify them of the methods available to assist in  
12 determining the readiness of their child to enter school  
13 and the available child care ~~and~~, preschool programs,  
14 *and/or educationally based prekindergarten readiness*  
15 *programs referred to in paragraph (3), subdivision (a) of*  
16 *Section 1 of the act that added this section in the*  
17 *1999-2000 Regular Session. It is not the intent of the*  
18 *Legislature that to require school districts to individually*  
19 *contact every parent in the school district. The school*  
20 *district shall provide assistance regarding activities that*  
21 *parents can initiate in preparing children for school to*  
22 *parents or guardians who request assistance. This*  
23 *assistance shall be based on generally accepted child*  
24 *development theory and may include readiness—tests*  
25 *information related to social and developmental*  
26 *readiness and professional consultations with teachers*  
27 *and school administrators. State mandated costs pursuant*  
28 *to this section shall be funded by the savings generated by*  
29 *the county pursuant to Section 42238.20.*

30 SEC. 6. Section 48010 of the Education Code is  
31 amended to read:

32 48010. (a) For the ~~1999-2000~~ 2000-01 school year, a  
33 child shall be admitted to the first grade of an elementary  
34 school during the first month of a school year if the child  
35 will have his or her sixth birthday on or before December  
36 2 of that school year.

37 (b) For the ~~2000-01~~ 2001-02 school year, a child shall  
38 be admitted to the first grade of an elementary school  
39 during the first month of a school year if the child will

1 have his or her sixth birthday on or before November 1  
2 of that school year.

3 (c) For the ~~2001-02~~ 2002-03 school year, a child shall be  
4 admitted to the first grade of an elementary school during  
5 the first month of a school year if the child will have his  
6 or her sixth birthday on or before October 1 of that school  
7 year.

8 (d) For the ~~2002-03~~ 2003-04 school year, and each  
9 school year thereafter, a child shall be admitted to the first  
10 grade of an elementary school during the first month of  
11 a school year if the child will have his or her sixth birthday  
12 on or before September 1 of that school year.

13 (e) For good cause, the governing board of a school  
14 district may permit a child of proper age to be admitted  
15 to a class after the first school month of the school term.

16 ~~(f) Notwithstanding subdivisions (a), (b), and (c), for~~  
17 ~~the 2000-01, 2001-02, and 2002-03 school years only, a~~  
18 ~~child who is six years of age on or before December 2 of~~  
19 ~~the relevant school year may be admitted at the request~~  
20 ~~of his or her parent or guardian to the first grade of an~~  
21 ~~elementary school during the first month of the relevant~~  
22 ~~school year. During these years, school districts shall be~~  
23 ~~required to inform parents of their right to enroll their~~  
24 ~~child in first grade if that child is six years of age on or~~  
25 ~~before December 2 of the relevant school year.~~

26 ~~(g)-~~

27 (f) For the ~~2003-04~~ 2004-05 school year, and each  
28 school year thereafter, the governing board of any school  
29 district may establish a district tribunal, with teachers,  
30 counselors, and administrators appointed as determined  
31 by the governing board, for the purposes of determining  
32 on a case-by-case basis whether *extraordinary*  
33 circumstances exist to support the admission of a child to  
34 first grade in a year in which the child is not six years of  
35 age on September 1, but who will be six years old on or  
36 before December 2 of that school year. Upon a  
37 determination that *extraordinary* circumstances exist,  
38 the child may be admitted to first grade. The governing  
39 board of the school district shall delineate what  
40 *extraordinary* circumstances support an early admission

1 pursuant to this subdivision, including, but not limited to,  
2 advanced maturity of the child, the development of the  
3 child, and the achievement level of the child. The  
4 tribunal may be the same tribunal established pursuant  
5 to subdivision ~~(g)~~ (f) of Section 48000.

6 SEC. 7. Section 48010.1 is added to the Education  
7 Code, to read:

8 48010.1. (a) The Superintendent of Public  
9 Instruction shall contract for an independent  
10 longitudinal evaluation regarding the effects of the  
11 change in the state policy on the entry age for  
12 kindergarten set forth in Section 48000. The primary  
13 purpose of the evaluation is to determine whether this  
14 entry age change results in improved readiness for school  
15 and an improvement in academic achievement among  
16 those children born between September 2 and  
17 December 3 who, beginning in the ~~2000-01~~ 2001-02 fiscal  
18 year, are directly affected by the date change and  
19 required to enter kindergarten a year later. The  
20 evaluation shall consider the change's effects on all of the  
21 following:

22 (1) Academic achievement, as measured by  
23 standardized tests, particularly among children born  
24 between September 1 and December 3 and children born  
25 between June 1 and August 30, on a longitudinal basis.

26 (2) Behavioral problems, as measured by objective  
27 data such as suspension and expulsion rates, particularly  
28 among children born between September 1 and  
29 December 3 and children born between June 1 and  
30 August 30, on a longitudinal basis.

31 (3) Academic problems, as measured by referrals to  
32 special education and remedial programs, particularly  
33 among children born between September 1 and  
34 December 3 and children born between June 1 and  
35 August 30, on a longitudinal basis.

36 (4) Access to child care and preschool by parents or  
37 guardians of children enrolling in kindergarten,  
38 beginning in the year ~~2000-01~~ 2001-02.

39 (5) Overall retention rates in kindergarten.

(b) The Superintendent of Public Instruction shall report to the Legislature on the results of its evaluation, including any recommendations for changes in state policy, by January 1, 2011. It is the intent of the Legislature that funding for this evaluation be included in the Budget Act or a bill related to the Budget Act.

SEC. 8. Section 48010.2 is added to the Education Code, to read:

~~48010.2. (a) The governing board of each school district shall certify to the Superintendent of Public Instruction, by March 30, 2000, with assistance from local child care planning councils, that there are sufficient child care and preschool facilities to serve the children who would have been enrolled in kindergarten if changes in enrollment age would not have been made by this act to Section 48000 and who will be offered child care and preschool under the act adding this section. By June 1, 2000, the Superintendent of Public Instruction shall determine whether sufficient public or private preschools with an educational component exist to serve children who would have enrolled in kindergarten if the changes made to Section 48000 by this act were not implemented in the 2000-01 school year. The Superintendent of Public Instruction shall make this information available to the Chief Clerk of the Assembly for publication in the Daily Journal and to school districts.~~

~~(b) If the Superintendent of Public Instruction determines that 50 percent or more of the children affected by the changes for the kindergarten enrollment age made to Section 48000 by the act adding this section will not have access to preschool with an educational component, those changes shall not be implemented until the 2001-02 school year.~~

~~(c) (1) If the changes to Section 48000 are not implemented until the 2001-02 school year pursuant to subdivision (b) and a school district and the local child care planning council jointly certify to the Superintendent of Public Instruction that insufficient preschool capacity exists in that district, on and after June 1, 2001, each of the following shall occur:~~

~~(A) The school district shall use 50 percent of any funds appropriated pursuant to Section 42238.20 to increase capacity in the school district of preschools with an educational component, including preschool provided by the school district and community-based preschool. The school district may use less than 50 percent of these funds if the school district and the local child care planning council agree that using less than 50 percent of the funds will not result in insufficient preschool capacity to serve pupils in that school district.~~

~~(B) The county with jurisdiction over the school district shall dedicate 30 percent of any revenue it receives pursuant to Division 108 (commencing with Section 130100) of the Health and Safety Code to increase capacity in the school district of preschools with an educational component to serve pupils who would have been enrolled in kindergarten if the changes made to Section 48000 by the act adding this section were implemented in the 2000-01 school year. The county may use less than 30 percent of these funds if the school district and the local child care planning council agree that using less than 50 percent of the funds will not result in insufficient preschool capacity to serve pupils in that school district.~~

~~(2) If a school district and the local child care planning council that had certified that insufficient preschool capacity existed pursuant to paragraph (1) jointly certify to the Superintendent of Public Instruction that sufficient preschool capacity exists in that district, the requirements imposed pursuant to subparagraphs (A) and (B) of paragraph (1) shall no longer apply.~~

~~48010.2. (a) Each school district shall consult with the local child care planning councils to ascertain whether sufficient preschool and child care capacity exist in the county to serve all eligible children.~~

~~(b) If the school district and the local child care planning council determine that there is insufficient preschool capacity to provide all children with a quality educational preparation program prior to kindergarten entry, the school district shall use at least 50 percent of the~~



1 funds appropriated for the purposes of Section 42238.20  
2 to increase prekindergarten capacity.

3 (c) The school district and the local child care  
4 planning council shall inform the county committee  
5 established pursuant to Division 108 (commencing with  
6 Section 130100 of the Health and Safety Code, of the lack  
7 of availability of prekindergarten/preschool programs  
8 and request that county committee consider funding an  
9 increase in capacity for these programs out of the  
10 revenues expended by the committee.

11 (d) School districts shall work with the county offices  
12 of education, preschool providers, the local child care  
13 planning council and county agencies that administer or  
14 fund preschool programs to develop a plan to provide  
15 prekindergarten readiness programs to children who  
16 have not been in privately or publicly funded preschool  
17 programs.

18 (e) Beginning in the 2001–02 school year, all children  
19 four years of age or older, who have not been enrolled in  
20 either public or private preschool programs shall be  
21 admitted to a prekindergarten readiness program, at the  
22 parents' request. School districts shall have the flexibility  
23 to develop a prekindergarten readiness program that  
24 meets the needs of the families and achieves the goals of  
25 providing pupils with basic social and academic  
26 preparation and readiness activities to enter  
27 kindergarten ready to learn. If a school district cannot  
28 increase capacity to the level necessary to serve all  
29 eligible children in the school district enrolled in the  
30 following year's kindergarten, private providers may  
31 offer a program with these goals and may receive funds  
32 from the school districts' revenue described in Section  
33 42238.20.

34 SEC. 9. Section 48200 of the Education Code is  
35 amended to read:

36 48200. (a) A person between the ages of 5 and 18  
37 years not exempted under this chapter or Chapter 3  
38 (commencing with Section 48400) is subject to  
39 compulsory full-time education. A person subject to  
40 compulsory full-time education and a person subject to

1 compulsory continuation education not exempted under  
2 Chapter 3 (commencing with Section 48400) shall attend  
3 the public full-time day school or continuation school or  
4 classes and for the full time designated as the length of the  
5 schoolday by the governing board of the school district in  
6 which the residency of either the parent or legal guardian  
7 is located and a parent, guardian, or other person having  
8 control or charge of the pupil shall send the pupil to the  
9 public full-time day school or continuation school or  
10 classes and for the full time designated as the length of the  
11 schoolday by the governing board of the school district in  
12 which the residence of either the parent or legal guardian  
13 is located.

14 (b) Unless otherwise provided for in this code, a pupil  
15 may not be enrolled for less than the minimum schoolday  
16 established by law.

17 SEC. 10. The Legislature finds and declares that  
18 Section 2 of this act is consistent with subdivision (f) of  
19 Section 8 of Article XVI of the California Constitution and  
20 is required by subdivision (d) of Section 41204 of the  
21 Education Code, in order to neutralize the effect of the  
22 impact that the change of the age that a pupil may enter  
23 kindergarten under Section 4 of this act will have an  
24 average daily attendance used for the purpose of  
25 calculating changes in enrollment pursuant to  
26 paragraphs (2) and (3) of subdivision (b) of Section 8 of  
27 Article XVI of the California Constitution.

28 SEC. 11. Notwithstanding Section 17610 of the  
29 Government Code, if the Commission on State Mandates  
30 determines that this act contains costs mandated by the  
31 state, reimbursement to local agencies and school  
32 districts for those costs shall be made pursuant to Part 7  
33 (commencing with Section 17500) of Division 4 of Title  
34 2 of the Government Code. If the statewide cost of the  
35 claim for reimbursement does not exceed one million  
36 dollars (\$1,000,000), reimbursement shall be made from  
37 the State Mandates Claims Fund.

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